

Direct Community Punishment Option

Design of the Direct Community Punishment Option; This proposal recommends using the community based corrections system to provide the direct punishment option. This would alleviate concerns that the county sheriffs and the county supervisors once had. The proposal includes;

- 1. The use of a Department of Corrections institutional facility or part thereof appropriate for this population and where the management of the assessment and treatment activities would be operated by the community-based corrections system.**
- 2. Offenders would be sentenced for the term allowed by the code but held from three months up to one year or for maximum benefits. This would allow the Director of Corrections to place the offender on the continuum of sanctions within the community based corrections continuum of sanctions for maximum benefits. This is based on the belief that more flexible prison commitment options are needed and, based upon research, can work. The shorter length of stay in a secure setting operated by the community-based system could produce a turnover per bed which is two to four times higher than a prison bed for the same year. This would reduce prison overcrowding and increase cost effectiveness.**
- 3. Developing a "rocket approach" to assessment and diagnosis while the inmate is in a secure institution would allow for the community-based system to develop sophisticated case plans and placement options, and begin delivering treatment programs that have continuity with community aftercare components.**
- 4. Requiring that the offender participate in addressing the causal factors that brought them into the criminal justice system. As such, intake assessments would identify education, treatment, and job development needs and the offender must comply with programming to move to less restrictive levels on the community based corrections continuum.**
- 5. Community programs are cost effective in the long run because the districts already has the education, treatment, and job development services in place to accommodate the program and provide services for the offenders returning to the community.**

Targeting populations to prevent net widening; One real concern is that individual judges or prosecutors would overuse the direct community punishment option by inappropriately sentencing offenders who should receive either a more or less severe sentence. Therefore targeting the appropriate populations would be necessary for this option to be effective. As such it is

believed that the following populations are appropriate;

1. Non violent property offenders convicted of Class C and Class D felonies and who have scored high enough on the risk assessment to warrant placement. The risk assessment would be the LSI-R used in conjunction with cooperation of the Iowa Department of Correction's Iowa Risk Assessment as part of the pre sentence investigation.
2. For any Class C or Class D offender who is revoked from parole or probation to prison.

Enabling legislation not needed: Initially it was believed that enabling legislation would need to be created in the Iowa Code for the split sentencing concept. This was primarily to satisfy the need to place a convicted felon in a county jail on a sentence exceeding one year in length. However, by shifting the direct community punishment option to the community based corrections system it might be able to be approached differently.

By using this approach it is possible that the only enabling legislation, if any, would be making judges aware of the use this option by placing Direct Community Punishment Option in the Code of Iowa under the Continuum of sanctions. Judges and other court officials would be reminded of this option during pre sentence recommendations. This would specifically grant the CBCs and the Department of Corrections to use its release authority for this option.

The pre- sentence report would recommend placement in the Direct Community Punishment Program and the Department of Corrections would ask the Parole Board to pre-approve placement of inmates to this program for maximum benefits and then quick release to community based corrections treatment and supervision programs.

It is our recommendation that the code sections dealing with the continuum of sanctions be revisited and also that the definition section pertaining to community residential facilities be expanded to include "secure residential facilities" in a institutional setting specifically designed to hold offenders as described above.

It is also possible to consider the use of 28E agreements between the Iowa Department of Corrections and the Judicial District Departments of Correctional Services.

This option would help clear the court docket and provide for better cost effectiveness in the court system, it would reduce prison overcrowding and expense, it would expedite community placement and treatment, and relieve the work load of the parole board.